

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH J. TAGGART,

Plaintiff,

v.

MORGAN STANLEY ABS CAPITAL
I INC. TRUST 2007-HE2, DEUTSCHE
BANK NATIONAL TRUST COMPANY
AS TRUSTEE FOR MORGAN STANLEY
ABS CAPITAL I INC. TRUST 2007-HE2,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC (a/k/a
MERS), MERSCORP, INC., U.S. BANK
N.A., EUGENE JASKIEWICZ, VALERIE
SCHLECHTER, DOES,

Defendants.

CIVIL ACTION NO. 16-62

ORDER

AND NOW, this 1st day of August, 2016, for the reasons set forth in the accompanying memorandum opinion; accordingly, it hereby **ORDERED** as follows:

1. The plaintiff's motions to remand (Doc. Nos. 8, 19) are **DENIED**;
2. The plaintiff's claims against the defendants, Morgan Stanley ABS Capital I Inc. Trust 2007-HE2, Eugene Jaskiewicz, and Valerie Schlechter, are **DISMISSED** pursuant to the doctrine of fraudulent joinder;
3. The motion to dismiss filed by the defendants, Deutsche Bank National Trust Company, Mortgage Electronic Registration Systems, Inc., MERSCORP Holdings, Inc., and U.S. Bank, N.A., (Doc. No. 7) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The motion to dismiss the quiet title claims under Pennsylvania Rule of Civil Procedure 1061 against the defendants, Deutsche Bank National Trust Company as Trustee for Morgan Stanley ABS Capital I Inc. Turst 2007-HE2 and U.S. Bank, N.A., is **DENIED**; and

b. The motion to dismiss the remaining claims is **GRANTED** and all other claims against all defendants are **DISMISSED WITHOUT PREJUDICE**;

4. The plaintiff's motion to stay (Doc. No. 23) is **DENIED**; and

5. The motion to dismiss filed by the defendant, Eugene Jasckiewicz, (Doc. No. 30) is **DENIED AS MOOT**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.